

REMARKS

The Official Action of April 2, 2009, made final, has been carefully reviewed. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The claims have been amended to be directed to the specific compounds of prior Claim 27. For convenience in entry of the amendment, Claims 1-28 have been canceled without prejudice and rewritten as new Claims 29 and 30. Support for this amendment is found in the specification, e.g. at page 53, line 14 to page 61, line 34; and the claims of the application as filed.

Claims 29 and 30 are pending in the application.

I. Rejection of Claims 24-28 for Obviousness

Claims 24-28 (now Claims 29 and 30) stand rejected under 35 U.S.C. 103(a) as being obvious over Cossford et al. (US 2005/0026963). The Examiner stated that Cossford et al. generically teach certain compounds wherein X is pyridyl, Y is aryl, A¹ is N and A² is carbon. The Examiner also stated that the requisite motivation for the claimed compounds is present because they are generically disclosed by Cossford et al.

The Applicants respectfully traverse this rejection and respectfully assert that Cossford et al. does not disclose or suggest the claimed invention.

In this regard, Applicants note that the claims as currently amended are directed to the specific disubstituted pyrazole compounds of Claim 29. These individual compounds possess specific "W" groups on the "X"/pyridyl group and/or specific "Z" groups on the "Y"/aryl group.

These claimed individual compounds which possess a specific "W" group and/or a specific "Z" group are structurally distinct from the compounds of Cossford al. that bear just "X" and "Y" groups on the pyrazole.

As noted by Applicants previously, the generic formula of Cossford et al. does not generically embrace the present compounds. Contrary to the Examiner's characterization of Cossford et al., the definitions of "X" and "Y" in Cossford et al. do not include the option of a phenyl or a pyridyl ring being directly bonded to the "X" ring or the "Y" ring (see paragraphs [0016] and [0020], e.g. "-OR¹" and "-OR⁵", wherein R¹ or R⁵ is aryl or heteroaryl).

Even if the generic formula of Cossford et al. did generically embrace the present compounds, there is no specific teaching or direction in the disclosure of Cossford et al. that would have suggested the specific compounds of Claim 29 to one of ordinary skill in the art. Nothing in Cossford et al. suggests that a phenyl or a pyridyl ring should be directly bonded to the "X" ring or the "Y" ring, in general, let alone the individual compounds that are recited in Claim 29.

The Examiner indicated that Example 90 in Cossford et al. Examiner bears an oxy pyridine group. Applicants note that all of the specific compounds of Cossford et al. that similarly bear an additional phenyl or pyridyl ring all have such phenyl or pyridyl ring attached to the "X" or the "Y" by an oxy group, a methylene group or an oxy-methylene group, e.g.:

Example 60 - methylene;
Example 78 - oxy;
Example 79 - oxy;
Example 82 - oxy;
Example 84 - oxy;
Example 85 - oxy;
Example 90 - oxy;
Example 149 - oxy;
Example 156 - oxy-methylene;
Example 182 - oxy-methylene;
Example 198 - oxy-methylene;
Example 214 - oxy;
Example 216 - methylene;
Example 228 - oxy-methylene;
Example 234 - oxy;
Example 259 - oxy;
Example 260 - oxy;
Example 263 - methylene; and
Example 277 - oxy.

Cossford et al. do not provide any suggestion or indication that such oxy group, methylene group or oxy-methylene group should be removed. In fact, Cossford et al. teaches away from the individual claimed compounds of Claim 29 by indicating that an oxy group, a methylene group or an oxy-methylene group would have been required.

Accordingly, the rejection of Claims 24-28 (now Claims 29 and 30) under 35 U.S.C. 103(a) as being obvious over Cossford et al. is untenable and should be withdrawn.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

By /J. Eric Thies, Reg.# 35382/
J. Eric Thies
Reg. No. 35,382
Attorney for Applicant
MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
(732) 594-3904

Date: June 30, 2009